

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ----- | x | |
| | : | |
| UNITED STATES OF AMERICA | : | STIPULATION AND ORDER |
| - v. - | : | 21 Cr. 343 (SHS) |
| YING SUN, | : | |
| | : | |
| Defendant. | : | |
| ----- | x | |

WHEREAS, on or about May 4, 2021, YING SUN (the “Defendant”), among others, was charged in a two-count Indictment, 21 Cr. 343 (SHS) (the “Indictment”), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count One); and conspiracy to operate an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 371 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Counts One and Two of the Indictment, and any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Counts One and Two of the Indictment, and various specific property;

WHEREAS, on or about March 13, 2023, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money

equal to \$20,896,774 in United States currency, representing property involved in the offense charged in Count One of the Indictment;

WHEREAS, on or about June 13, 2023, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Order of Forfeiture") which: (i) imposed a forfeiture money judgment in the amount of \$20,896,774 in United States currency, representing the property involved in the offense charged in Count One of the Indictment; and (ii) ordered the forfeiture to the United States of all of the Defendant's right, title, and interest in, *inter alia*, the following specific property seized by the Government on or about July 21, 2021, pursuant to a warrant issued by the Hon. Katherine H. Parker, United States Magistrate Judge for the Southern District of New York:

- a. \$40,993.41 held in Citibank account 42028669184 held in the name of Fangrui Cai Irrevocable Trust dated 3/12/2020; and
- b. 156,599.914 shares of Mainstay Mackay Tax Free Bond A (MTBAX); 61,209.463 shares of Mainstay Mackay Short Term Municipal A (MSTAX); 181,312.311 shares of Madison Large Cap Growth Fund (MCAAX); 192,407.346 shares of Principal California Municipal Fund Class A (SRCMX); and 82,528.543 shares of Hartford Municipal Opportunities Fund Class A (HHMAX), all held in Citibank account C12093214 in the name of Fangrui Cai Irrevocable Trust dated 3/12/2020;

(a and b. together, the "Specific Property");

WHEREAS, on or about July 31, 2023, the United States provided notice of the entry of the Order of Forfeiture to Fengrui Cai and Kai Hu (the "Petitioners"), through their counsel Michael Zweiback, Esq., advising that should they wish to assert a legal interest in the Specific Property they would need to file a petition for a hearing to adjudicate the validity of their alleged interest in the Specific Property within thirty (30) days of the receipt of the letter, in this case, by August 31, 2023;

WHEREAS, Michael Zeiback, Esq. has advised the Government of the Petitioners' potential interests in the Specific Property; and

WHEREAS, the Government has consented to an extension of the deadline for the Petitioners to file a petition asserting an interest in the Specific Property with the Court from August 31, 2023 to October 31, 2023;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Jonathan Bodansky and Matthew R. Shahabian, of counsel, and the Petitioners and their counsel Michael Zweiback, Esq., that:

1. The Petitioners shall have up to and including October 31, 2023 to file with the court a claim or petition asserting an interest in the Specific Property.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

2. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/
JONATHAN BODANSKY
MATTHEW R. SHAHABIAN
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2385/1046

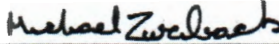
9/1/23
DATE

Fangrui Cai
By: 
Fangrui Cai, Petitioner


9/4/2023
DATE

Kai Hu
By: 
Kai Hu, Petitioner

9/4/2023
DATE

By: 
MICHAEL ZWEIBACK, ESQ.
Attorney for Petitioners Fangrui Cai and Kai Hu
915 West 9th St., Suite 1200
Los Angeles, CA 90015

DATE

SO ORDERED: 
HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

9/6/2023
DATE